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EXAMINER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Office Action Summary	10/722,194	ADAMCZYK ET AL.
	Examiner	Art Unit	
	SYED BOKHARI	2416	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS,
WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *12 December 2008*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-18,23-40,45,46,48,50-52,54 and 58-61* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-18, 23-40, 45-46, 48, 50-52, 54 and 58-61* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

Response to Amendment

1.   Applicant amendment filed on December 12th, 2008 has been entered. Claims 1,

3, 23, 25, 45 and 48 have been amended. Claims 19-22, 41-44, 47, 49, 53, 55 and 57

have been canceled. Claims 58-61 have been added. Claims 1-18, 23-40, 45-46, 48,

50-52, 54 and 58-61 are still pending in the application.

Claim Rejections - 35 USC § 101

1.   35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of
> matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the
> conditions and requirements of this title.

Claim 45 is rejected under 35 U.S.C. 101 because the claimed invention is directed to

non-statutory subject matter.

Regarding claim 45, the claimed invention is not directed to a process, machine,

manufacture, or composition of matter, or any new or useful improvement thereof. The

claim is drawn to "computer program product" where no physical connection to the

computer exits. There must be some connection between the computer program

instructions and the physical device executing the instruction through a computer-

readable medium that meets the statutory requirements as set forth in the guide in

MPEP 2106.01 [R6].

.   Claims 48, 50-51 and 56 are rejected as they are dependent to claim 45.

Claim Rejections - 35 USC § 103

2.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

3.   The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148

USPQ 459 (1966), that are applied for establishing a background for determining

obviousness under 35 U.S.C. 103(a) are summarized as follows:

1.   Determining the scope and contents of the prior art.
2.   Ascertaining the differences between the prior art and the claims at issue.
3.   Resolving the level of ordinary skill in the pertinent art.
4.   Considering objective evidence present in the application indicating
      obviousness or nonobviousness.

4.   This application currently names joint inventors. In considering patentability of

the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of

the various claims was commonly owned at the time any inventions covered therein

were made absent any evidence to the contrary. Applicant is advised of the obligation

under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was

not commonly owned at the time a later invention was made in order for the examiner to

consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g)

prior art under 35 U.S.C. 103(a).

5.   Claims 1, 23 and 45 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Dravida et al. (US 2002/0105965 A1) in view of Mobley et al. (US 5,708,963) and

further in view of Roberts (US 6,574,195 B2).

        Dravida et al. disclose a communication network for broadband system having

routing identification based switching with the following features: regarding claim 1, a

method of operating a data network between a routing gateway for a subscriber and a

data service provider providing a data service wherein the routing gateway is at a

customer premises remote from the data network wherein the data service provider is

remote from the data network, the method comprising (Fig. 3, illustrates a network

configuration o intelligent network elements for providing point-to-point data links

between intelligent network elements in broadband bidirectional access system, see

"the intelligent network elements include optical node 112, network interface unit 119

and a standard residential gateway 30 connected to the NUI 119" recited in paragraph

0090 lines 1-7), and responsive to receiving at the data network the identification of the

routing gateway, the identification of the data service provider, and the data flow

characteristics for the data service, saving the data flow characteristics of the data

service for the routing gateway at the data network (Fig. 3, illustrates a network

configuration o intelligent network elements for providing point-to-point data links

between intelligent network elements in broadband bidirectional access system, see

"the network interface nit (NIU) stores in the register the values of the most recent flow

control flags it has received from SAS" recited in paragraph 0261 lines 1-11) and

forwarding the data flow characteristics of the data service from the data network to the

routing gateway at the customer premises remote from the data network (Fig. 3,

illustrates a network configuration o intelligent network elements for providing point-to-

point data links between intelligent network elements in broadband bidirectional access

system, see "a call agent 140 in the service provider network forward data flow

characteristics to residential gateway that resides on the customer premises" recited in

paragraph 0308 lines 1-12); regarding claim 23, a data network providing a data

connection between a routing gateway for a subscriber and a data service provider

providing a data service wherein the routing gateway is at a customer premises remote

from the data network the data network wherein the data service provider is remote

from the data network comprising (Fig. 3, illustrates a network configuration o intelligent

network elements for providing point-to-point data links between intelligent network

elements in broadband bidirectional access system, see "the intelligent network

elements include optical node 112, network interface unit 119 and a standard residential

gateway 30 connected to the NUI 119" recited in paragraph 0090 lines 1-7); and a

memory configured to save the data flow characteristics of the data service for the

routing gateway at the data network responsive to receiving the identification of the

routing gateway, the identification of the data service provider, and the data flow

characteristics for the data service (Fig. 3, illustrates a network configuration o

intelligent network elements for providing point-to-point data links between intelligent

network elements in broadband bidirectional access system, see "the network interface

nit (NIU) stores in the register the values of the most recent flow control flags it has

received from SAS" recited in paragraph 0261 lines 1-11) and a second transceiver at

the data network configured to forward the data flow characteristics of the data service

to the routing gateway at the customer premises remote from the data network (Fig. 3,

illustrates a network configuration o intelligent network elements for providing point-to-

point data links between intelligent network elements in broadband bidirectional access

system, see "a call agent 140 in the service provider network forward data flow

characteristics to residential gateway that resides on the customer premises" recited in

paragraph 0308 lines 1-12); regarding claim 45, a computer program product configured

to operate a data network between a routing gateway for a subscriber and a data

service provider providing a data service wherein the routing gateway is at a customer

premises remote from the data network wherein the data service provider is remote

from the data network the computer program product consisting of a computer readable

storage medium having computer-readable program code embodied in the medium

wherein the computer readable storage medium includes an electronic, optical,

electromagnetic, infrared, or semiconductor system, apparatus, device or medium the

computer-readable program code comprising (Fig. 3, illustrates a network configuration

o intelligent network elements for providing point-to-point data links between intelligent

network elements in broadband bidirectional access system, see "the intelligent network

elements include optical node 112, network interface unit 119 and a standard residential

gateway 30 connected to the NUI 119" recited in paragraph 0090 lines 1-7 and

paragraph 0426 lines 1-12), computer-readable program code that is configured to save

the data flow characteristics of the data service for the routing gateway at the data

network responsive to receiving the identification of the routing gateway, the

identification of the data service provider, and the data flow characteristics for the data

service (Fig. 3, illustrates a network configuration o intelligent network elements for

providing point-to-point data links between intelligent network elements in broadband

bidirectional access system, see "the network interface nit (NIU) stores in the register

the values of the most recent flow control flags it has received from SAS" recited in

paragraph 0261 lines 1-11) and computer-readable program code that is configured to

forward the data flow characteristics of the data service to the routing gateway (Fig. 3,

illustrates a network configuration o intelligent network elements for providing point-to-

point data links between intelligent network elements in broadband bidirectional access

system, see "a call agent 140 in the service provider network forward data flow

characteristics to residential gateway that resides on the customer premises" recited in

paragraph 0308 lines 1-12);

      Dravida et al. do not disclose the following features: regarding claim 1, receiving

at the data network from the data service provider an identification of the routing

gateway, an identification of the data service provider, data flow characteristics of the

data service for a session of the routing gateway using the data service provided by the

data service provider; regarding claim 23, first transceiver at the data network

configured to receive from the data service provider an identification of the routing

gateway, an identification of the data service provider, data flow characteristics of the

data service for a session of the routing gateway using the data service provided by the

data service provider; regarding claim 45, computer-readable program code that is

configured to receive from the data service provider an identification of the routing gateway, an identification of the data service provider;

Mobley et al. disclose a satellite communication system for storing data at a subscriber terminal and responsive to a poll transmitting the store data with the following features: regarding claim 1, receiving at the data network from the data service provider an identification of the routing gateway, an identification of the data service provider (Fig. 7B, shows a typical response data packet for either bent pipe or store and forward delivery to a gateway and from the gateway to a subscription delivery, see "the packet includes gateway identifier and service provider identifier" recited in column 15 lines 49-52); regarding claim 23, first transceiver at the data network configured to receive from the data service provider an identification of the routing gateway, an identification of the data service provider (Fig. 7B, shows a typical response data packet for either bent pipe or store and forward delivery to a gateway and from the gateway to a subscription delivery, see "the packet includes gateway identifier and service provider identifier" recited in column 15 lines 49-52); regarding claim 45, computer-readable program code that is configured to receive from the data service provider an identification of the routing gateway, an identification of the data service provider (Fig. 7B, shows a typical response data packet for either bent pipe or store and forward delivery to a gateway and from the gateway to a subscription delivery, see "the packet includes gateway identifier and service provider identifier" recited in column 15 lines 49-52);

It would have been obvious to one of the ordinary skill in the art at the time of invention to modify the system of Dravida et al. by using the features, as taught by Mobley et al., in order to provide receiving at the data network from the data service provider an identification of the routing gateway, an identification of the data service provider. The motivation of using these functions is to enhance the system in a cost effective manner.

Dravida et al. and Mobley et al. do not disclose the following features: regarding claim 1, data flow characteristics of the data service for a session of the routing gateway using the data service provided by the data service provider wherein the data service provider is remote from the data network; regarding claim 23, data flow characteristics of the data service for a session of the routing gateway using the data service provided by the data service provider wherein the data service provider is remote from the data network; regarding claim 45, data flow characteristics of the data service for a session of the routing gateway using the data service provided by the data service provider, data flow characteristics of the data service for a session of the routing gateway using the data service provided by the data service provider wherein the data service provider is remote from the data network wherein the data service provider is remote from the data network.

Roberts discloses a communication system for quality of service (QoS) management transmitted over computer system with the following features: regarding claim 1, data flow characteristics of the data service for a session of the routing gateway using the data service provided by the data service provider wherein the data service

provider is remote from the data network (Fig. 6, illustrates a high level flow diagram for identifying a flow block corresponding to a received data packet, see "the received data packet is formatted to a micro-flow data packet which includes a QoS field 310" recited in column 15 lines 10-30); regarding claim 23, data flow characteristics of the data service for a session of the routing gateway using the data service provided by the data service provider wherein the data service provider is remote from the data network (Fig. 6, illustrates a high level flow diagram for identifying a flow block corresponding to a received data packet, see "the received data packet is formatted to a micro-flow data packet which includes a QoS field 310" recited in column 15 lines 10-30); regarding claim 45, data flow characteristics of the data service for a session of the routing gateway using the data service provided by the data service provider wherein the data service provider is remote from the data network (Fig. 6, illustrates a high level flow diagram for identifying a flow block corresponding to a received data packet, see "the received data packet is formatted to a micro-flow data packet which includes a QoS field 310" recited in column 15 lines 10-30);

It would have been obvious to one of the ordinary skill in the art at the time of invention to modify the system of Dravida et al. with Mobley et al. by using the features of Roberts, in order to provide data flow characteristics of the data service for a session of the routing gateway using the data service provided by the data service provider wherein the data service provider is remote from the data network. The motivation of using these functions is to enhance the system in a cost effective manner.

6.   Claims 5-8, 27-30 and 50-51 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Dravida et al. (US 2002/0105965 A1) in view of Mobley et al. (US

5,708,963) and further in view of Roberts (US 6,574,195 B2) as applied to claims 1, 19,

23 and 45 above, and further in view of Kamentani (US 2002/0003803 A1).

Dravida et al., Mobley et al. and Roberts disclose the claimed limitations as

described in paragraph 4 above. Dravida et al., Mobley et al. and Roberts do not

disclose the following features: regarding claim 5, wherein saving the data flow

characteristics at the data network comprises creating an application flow control record

for the routing gateway; regarding claim 6, wherein saving the data flow characteristics

comprises saving the data flow characteristics at first and second databases within the

data network; regarding claim 7, wherein the first database is associated with a

concentrator and the second database is associated with a service manager; regarding

claim 8, wherein receiving is preceded by: receiving a request from the routing gateway

for a session using the data service provided by the data service provider and

forwarding the request from the routing gateway to the data service provider; regarding

claim 27, wherein the memory is further configured to save the data flow characteristics

at the data network as an application flow control record for the routing gateway;

regarding claim 28, wherein the memory is further configured to save the data flow

characteristics at first and second databases within the data network; regarding claim

29, wherein the first database is associated with a concentrator and the second

database is associated with a service manager; regarding claim 30, wherein the second

transceiver is further configured to receive a request from the routing gateway for a session using the data service provided by the data service provider and the data flow characteristics of the data service for a session of the routing gateway after forwarding the request from the routing gateway; regarding claim 50, wherein saving the data flow characteristics comprises saving the data flow characteristics at first and second databases within the data network and regarding claim 51, wherein the first database is associated with a concentrator and the second database is associated with a service manager.

Kametani discloses communication system for the exchange of data between the user terminals and the plurality of service providers with the following features: regarding claim 5, wherein saving the data flow characteristics at the data network comprises creating an application flow control record for the routing gateway (Fig. 1, architecture of the data network, see "servers connected to IP network record information about the user and the service provider and information about the services" recited in paragraph 0035 lines 1-2 and paragraph 0036 lines 1-8); regarding claim 6, wherein saving the data flow characteristics comprises saving the data flow characteristics at first and second databases within the data network (Fig. 1, architecture of the data network, see "servers record information about the users and plurality of service provides" recited in paragraph 0030 lines 1-9, paragraph 0043 lines 1-6 and paragraph 0044 lines 1-3); regarding claim 7, wherein the first database is associated with a concentrator and the second database is associated with a service manager (Fig. 1, architecture of the data network, see "sending the converted packet

data to the user terminal and storing and managing account information" recited in

paragraph 0043 lines 1-6 and paragraph 0044 lines 1-3); regarding claim 8, wherein

receiving is preceded by: receiving a request from the routing gateway for a session

using the data service provided by the data service provider (Fig. 3, time sequence

showing the operation of transmission of packet data from to a user terminal to a

service provider side, see "the end user 14 accesses the IP network1 through the

terminal 7 and access gateway 2 to service provider for service" recited in paragraph

0068 lines 1-4) and forwarding the request from the routing gateway to the data service

provider (Fig. 3, time sequence showing the operation of transmission of packet data

from to a user terminal to a service provider side, see "the terminal 7 forward the

request through the gateway 2 to the service provider" recited in paragraph 0071 lines

1-17); regarding claim 27, wherein the memory is further configured to save the data

flow characteristics at the data network as an application flow control record for the

routing gateway (Fig. 1, architecture of the data network, see "servers connected to IP

network record information about the user and the service provider and information

about the services" recited in paragraph 0035 lines 1-2 and paragraph 0036 lines 1-8);

regarding claim 28, wherein the memory is further configured to save the data flow

characteristics at first and second databases within the data network (Fig. 1,

architecture of the data network, see "servers record information about the users and

plurality of service provides" recited in paragraph 0030 lines 1-9, paragraph 0043 lines

1-6 and paragraph 0044 lines 1-3); regarding claim 29, wherein the first database is

associated with a concentrator and the second database is associated with a service

manager (Fig. 1, architecture of the data network, see "servers record information about the users and plurality of service provides" recited in paragraph 0030 lines 1-9); regarding claim 30, wherein the second transceiver is further configured to receive a request from the routing gateway for a session using the data service provided by the data service provider (Fig. 3, time sequence showing the operation of transmission of packet data from to a user terminal to a service provider side, see "the end user 14 accesses the IP network1 through the terminal 7 and access gateway 2 to service provider for service" recited in paragraph 0068 lines 1-4) and the data flow characteristics of the data service for a session of the routing gateway after forwarding the request from the routing gateway (Fig. 3, time sequence showing the operation of transmission of packet data from to a user terminal to a service provider side, see "the terminal 7 forward the request through the gateway 2 to the service provider" recited in paragraph 0071 lines 1-17); regarding claim 50, wherein saving the data flow characteristics comprises saving the data flow characteristics at first and second databases within the data network (Fig. 1, architecture of the data network, see "servers record information about the users and plurality of service provides" recited in paragraph 0030 lines 1-9, paragraph 0043 lines 1-6 and paragraph 0044 lines 1-3) and regarding claim 51, wherein the first database is associated with a concentrator and the second database is associated with a service manager (Fig. 1, architecture of the data network, see "sending the converted packet data to the user terminal and storing and managing account information" recited in paragraph 0043 lines 1-6 and paragraph 0044 lines 1-3).

It would have obvious to one of the ordinary skill in the art at the time of invention to modify the system of Dravida et al. with Mobley et al. and Roberts by using the features, as taught by Kametani, in order to provide saving the data flow characteristics at the data network comprises creating an application flow control record for the routing gateway, saving the data flow characteristics comprises saving the data flow characteristics at first and second databases within the data network, the first database is associated with a concentrator and the second database is associated with a service manager and receiving is preceded by: receiving a request from the routing gateway for a session using the data service provided by the data service provider and forwarding the request from the routing gateway to the data service provider. The motivation of using these functions is to enhance the system in a cost effective manner.

7.   Claims 2, 24, 52, 54 and 56 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dravida et al. (US 2002/0105965 A1) in view of Mobley et al. (US 5,708,963), Roberts (US 6,574,195 B2) and Kamentani (US 2002/0003803 A1) as applied to claims 1, 23, and 45 above, and further in view of Jeong et al. (USP 6,795,443 B1).

Dravida et al., Mobley et al., Roberts and Kamentani disclose the claimed limitations as described in paragraph 5 and 7 above. Dravida et al. disclose the following features: regarding claim 52, forwarding the data flow characteristics of the data service from the data network to the routing gateway at the customer premises

remote from the data network (Fig. 3, illustrates a network configuration o intelligent

network elements for providing point-to-point data links between intelligent network

elements in broadband bidirectional access system, see "a call agent 140 in the service

provider network forward data flow characteristics to residential gateway that resides on

the customer premises" recited in paragraph 0308 lines 1-12); regarding claim 54,

forwarding the data flow characteristics of the data service from the data network to the

routing gateway at the customer premises remote from the data network (Fig. 3,

illustrates a network configuration o intelligent network elements for providing point-to-

point data links between intelligent network elements in broadband bidirectional access

system, see "a call agent 140 in the service provider network forward data flow

characteristics to residential gateway that resides on the customer premises" recited in

paragraph 0308 lines 1-12); regarding claim 56, forwarding the data flow characteristics

of the data service from the data network to the routing gateway at the customer

premises remote from the data network (Fig. 3, illustrates a network configuration o

intelligent network elements for providing point-to-point data links between intelligent

network elements in broadband bidirectional access system, see "a call agent 140 in the

service provider network forward data flow characteristics to residential gateway that

resides on the customer premises" recited in paragraph 0308 lines 1-12);

   Dravida et al., Mobley et al., Roberts and Kamentani do not disclose the following

features: regarding claim 2, wherein the routing gateway is coupled to the data network

via a digital subscriber line and wherein the identification of the routing gateway

comprises a digital subscriber line identification; regarding claim 24, wherein the routing

gateway is coupled to the data network via a digital subscriber line and wherein the identification of the routing gateway comprises a digital subscriber line identification; regarding claim 52, wherein the routing gateway is coupled to the data network via a digital subscriber line and wherein the identification of the routing gateway comprises a digital subscriber line identification and regarding claim 56, wherein the routing gateway is coupled to the data network via a digital subscriber line and wherein the identification of the routing gateway comprises a digital subscriber line identification.

Jeong et al. disclose a communication system for providing IP level connectivity between internet access terminals using service gateway with the following features: regarding claim 2, wherein the routing gateway is coupled to the data network via a digital subscriber line (Fig. 1, network architecture for establishing IP connectivity, see "network comprises a source terminal A10, a target terminal B70 and a digital subscriber line" recited in column 4 lines 36-40) and wherein the identification of the routing gateway comprises a digital subscriber line identification (Fig. 2, service providing procedure for establishing an IP level connectivity, see "a terminal identifier is required for a service gateway" recited in column 8 lines 63-67); regarding claim 24, wherein the routing gateway is coupled to the data network via a digital subscriber line (Fig. 1, network architecture for establishing IP connectivity, see "network comprises a source terminal A10, a target terminal B70 and a digital subscriber line" recited in column 4 lines 36-40) and wherein the identification of the routing gateway comprises a digital subscriber line identification (Fig. 2, service providing procedure for establishing an IP level connectivity, see "a terminal identifier is required for a service gateway"

recited in column 8 lines 63-67); regarding claim 52, wherein the routing gateway is
coupled to the data network via a digital subscriber line and wherein the identification of
the routing gateway comprises a digital subscriber line identification (Fig. 1, network
architecture for establishing IP connectivity, see "network comprises a source terminal
A10, a target terminal B70 and a digital subscriber line" recited in column 4 lines 36-40);
regarding claim 56, wherein the routing gateway is coupled to the data network via a
digital subscriber line and wherein the identification of the routing gateway comprises a
digital subscriber line identification (Fig. 1, network architecture for establishing IP
connectivity, see "network comprises a source terminal A10, a target terminal B70 and a
digital subscriber line" recited in column 4 lines 36-40).

It would have been obvious to one of the ordinary skill in the art at the time of
invention to modify the system of Dravida et al. with Mobley et al., Roberts and
Kamentani by using the features, as taught by, Jeong et al. in order to provide wherein
the routing gateway is coupled to the data network via a digital subscriber line and
wherein the identification of the routing gateway comprises a digital subscriber line
identification. The motivation of using these functions is to enhance the system in a cost
effective manner.

8.   Claims 3, 9-11, 25, 31-33, 48, 58 and 60 are rejected under 35 U.S.C. 103(a) as
being unpatentable over Dravida et al. (US 2002/0105965 A1) in view of Mobley et al.
(US 5,708,963), Roberts (US 6,574,195 B2) and Kamentani (US 2002/0003803 A1) as

applied to claims 1, 23 and 45 above, and further in view of Menditto et al. (USP 6,981,029 B1) and Motley (US 2002/0136224 A1).

Dravida et al., Mobley et al., Roberts and Kamentani disclose the claimed limitations as described in paragraph 5 above. Dravida et al. disclose the following features: regarding claim 58, wherein the data service provider comprises an application data service provider located remote from the data network, wherein the data service comprises an application data service (Fig. 3, illustrates a network configuration o intelligent network elements for providing point-to-point data links between intelligent network elements in broadband bidirectional access system, see "the intelligent network elements include optical node 112, network interface unit 119 and a standard residential gateway 30 connected to the NUI 119" recited in paragraph 0090 lines 1-7); regarding claim 60, wherein the data service provider comprises an application data service provider located remote from the data network; wherein the data service comprises an application data service (Fig. 3, illustrates a network configuration o intelligent network elements for providing point-to-point data links between intelligent network elements in broadband bidirectional access system, see "the intelligent network elements include optical node 112, network interface unit 119 and a standard residential gateway 30 connected to the NUI 119" recited in paragraph 0090 lines 1-7).

Kamentani disclose the following features: regarding claim 9, providing an interconnection between the routing gateway and the data service provider in accordance with the data flow characteristics to thereby support a session of the routing gateway using the data service provided by the data service provider (Fig. 3, time

sequence showing the operation of transmission of packet data from to a user terminal

to a service provider side, see "when information about packet data from the user

matches access condition the packet is transferred to packet exchange which converts

the packet data from user to packet data of protocol and format of service provider"

recited in paragraph 0045 lines 1-14); regarding claim 31, wherein the first and second

transceivers are further configured to provide an interconnection between the routing

gateway and the data service provider in accordance with the data flow characteristics

to thereby support a session of the routing gateway using the data service provided by

the data service provider (Fig. 3, time sequence showing the operation of transmission

of packet data from to a user terminal to a service provider side, see "when information

about packet data from the user matches access condition the packet is transferred to

packet exchange which converts the packet data from user to packet data of protocol

and format of service provider" recited in paragraph 0045 lines 1-14); regarding

claim 58, providing an interconnection between the routing gateway and the application

data service provider through the data network in accordance with the data flow

characteristics to thereby support a session of the routing gateway using the application

data service provided by the application data service provider (Fig. 3, time sequence

showing the operation of transmission of packet data from to a user terminal to a

service provider side, see "when information about packet data from the user matches

access condition the packet is transferred to packet exchange which converts the

packet data from user to packet data of protocol and format of service provider" recited

in paragraph 0045 lines 1-14); regarding claim 60, wherein the first and second

transceivers are configured to provide an interconnection between the routing gateway and the application data service provider through the data network in accordance with the data flow characteristics to thereby support a session of the routing gateway using the application data service provided by the application data service provider (Fig. 3, time sequence showing the operation of transmission of packet data from to a user terminal to a service provider side, see "when information about packet data from the user matches access condition the packet is transferred to packet exchange which converts the packet data from user to packet data of protocol and format of service provider" recited in paragraph 0045 lines 1-14).

Dravida et al., Mobley et al., Roberts and Kamentani do not disclose the following features: regarding claim 3, wherein the data flow characteristics of the data service include a bandwidth characterization for the data service, a priority characterization for the data service, wherein forwarding the data flow characteristic to the routing gateway includes forwarding the bandwidth characterization and the priority characterization to the routing gateway at the customer premises remote from the data network; regarding claim 10, deleting the data flow characteristics saved at the data network for the session of the routing gateway using the data service provided by the data service provider and terminating the interconnection between the routing gateway and the data service provider to thereby terminate the session of the routing gateway using the data service provided by the data service provider; regarding claim 11, before deleting the data flow characteristics, receiving a request from the data service provider to delete the data flow characteristics for the session of the routing gateway using the data service, wherein

the data flow characteristics are deleted responsive to receiving the request; regarding claim 25, wherein the data flow characteristics of the data service include a bandwidth characterization for the data service and a priority characterization for the data service and wherein forwarding the data flow characteristic to the routing gateway includes forwarding the bandwidth characterization and the priority characterization to the routing gateway at the customer premises remote from the data network; regarding claim 32, wherein the memory is further configured to delete the data flow characteristics saved at the data network for the session of the routing gateway using the data service provided by the data service provider, and wherein the first and second transceivers are further configured to terminate the interconnection between the routing gateway and the data service provider to thereby terminate the session of the routing gateway using the data service provided by the data service provider; regarding claim 33, wherein the first transceiver is further configured to receive a request from the data service provider to delete the data flow characteristics for the session of the routing gateway using the data service, and wherein the memory is further configured to delete the data flow characteristics responsive to receiving the request to delete the data flow characteristics; regarding claim 48, wherein the data flow characteristics of the data service include a bandwidth characterization for the data service, a priority characterization for the data service, wherein forwarding the data flow characteristic to the routing gateway includes forwarding the bandwidth characterization and the priority characterization to the routing gateway at the customer premises remote from the data network; regarding claim 58, wherein the data flow characteristics of the application

data service include a bandwidth characterization for the application data service and a

priority characterization for the application data service both received from the

application data service provider, the method further comprising, after providing the

interconnection and completing the session, deleting the data flow characteristics saved

at the data network for the session of the routing gateway using the application data

service provided by the application data a service provider and after providing the

interconnection and completing the session, terminating the interconnection between

the routing gateway and the application data service provider to thereby terminate the

session of the routing gateway using the application data service provided by the

application data service provider; regarding claim 60, wherein the data flow

characteristics of the application data service include a bandwidth characterization for

.the application data service and a priority characterization for the application data

service both received from the application data service provider, wherein after providing

the interconnection and completing the session, the memory is configured to delete the

data flow characteristics saved at the data network for the session of the routing

gateway using the application data service provided by the application data service

provider; and wherein after providing the interconnection and completing the session,

the first and second transceivers are configured to terminate the interconnection

between the routing gateway and the application data service provider to thereby

terminate the session of the routing gateway using the application data service provided

by the application data service provider.

Menditto et al. disclose an information service provider network includes a

content gateway to process requests for information from the client terminal with the

following features: regarding claim 3, wherein the data flow characteristics of the data

service include a bandwidth characterization for the data service (Fig. 8, billing model

within the multiple information service provider network, see "the quality of service

component of content gateway 18 includes exact amount of bandwidth to be allocated

for a specific class of service" recited in column 14 lines 40-48) and a priority

characterization for the data service (Fig. 2, a the process of routing information in the

internet service provider network, see "content gateway 18 controls different traffic

policies of priority characterization for the data service" recited in column 4 lines 57-64);

regarding claim 10, deleting the data flow characteristics saved at the data network for

the session of the routing gateway using the data service provided by the data service

provider (Fig. 2, a the process of routing information in the internet service provider

network, see "removing the information of latest recently used connection" recited in

column 11 lines 50-56) and terminating the interconnection between the routing

gateway and the data service provider to thereby terminate the session of the routing

gateway using the data service provided by the data service provider (Fig. 2, a the

process of routing information in the internet service provider network, see "terminating

the connection with the client terminal " recited in column 10 lines 57-59); regarding

claim 11, before deleting the data flow characteristics, receiving a request from the data

service provider to delete the data flow characteristics for the session of the routing

gateway using the data service, wherein the data flow characteristics are deleted

responsive to receiving the request (Fig. 2, a the process of routing information in the internet service provider network, see "when request is received removes the information of latest recently used connection " recited in column 11 lines 50-56) ; regarding claim 25, wherein the data flow characteristics of the data service include a bandwidth characterization for the data service (Fig. 8, billing model within the multiple information service provider network, see "the quality of service component of content gateway 18 includes exact amount of bandwidth to be allocated for a specific class of service" recited in column 14 lines 40-48), a priority characterization for the data service (Fig. 2, a the process of routing information in the internet service provider network, see "content gateway 18 controls different traffic policies of priority characterization for the data service" recited in column 4 lines 57-64), wherein forwarding the data flow characteristic to the routing gateway includes forwarding the bandwidth characterization (Fig. 8, billing model within the multiple information service provider network, see "content gateway 18 dynamically modified the packet received with the quality of service value according to the content policy before the packet is forwarded to the identified server" recited in column 14 lines 29-40) and the priority characterization to the routing gateway at the customer premises remote from the data network (Fig. 2, a the process of routing information in the internet service provider network, see "content gateway 18 consults the content gateway directory and routes the request to specified server" recited in column 4 lines 48-56); regarding claim 32, wherein the memory is further configured to delete the data flow characteristics saved at the data network for the session of the routing gateway using the data service provided by the data service

provider (Fig. 2, a the process of routing information in the internet service provider

network, see "removing the information of latest recently used connection" recited in

column 11 lines 50-56) and wherein the first and second transceivers are further

configured to terminate the interconnection between the routing gateway and the data

service provider to thereby terminate the session of the routing gateway using the data

service provided by the data service provider (Fig. 2, a the process of routing

information in the internet service provider network, see "terminating the connection with

the client terminal " recited in column 10 lines 57-59); regarding claim 33, wherein the

first transceiver is further configured to receive a request from the data service provider

to delete the data flow characteristics for the session of the routing gateway using the

data service, and wherein the memory is further configured to delete the data flow

characteristics responsive to receiving the request to delete the data flow characteristics

(Fig. 2, a the process of routing information in the internet service provider network, see

"when request is received removes the information of latest recently used connection "

recited in column 11 lines 50-56); regarding claim 48, wherein the data flow

characteristics of the data service include a bandwidth characterization for the data

service (Fig. 8, billing model within the multiple information service provider network,

see "the quality of service component of content gateway 18 includes exact amount of

bandwidth to be allocated for a specific class of service" recited in column 14 lines 40-

48), a priority characterization for the data service (Fig. 2, a the process of routing

information in the internet service provider network, see "content gateway 18 controls

different traffic policies of priority characterization for the data service" recited in column

4 lines 57-64); regarding claim 58, after providing the interconnection and completing

the session, deleting the data flow characteristics saved at the data network for the

session of the routing gateway using the application data service provided by the

application data a service provider (Fig. 2, a the process of routing information in the

internet service provider network, see "removing the information of latest recently used

connection" recited in column 11 lines 50-56) and after providing the interconnection

and completing the session, terminating the interconnection between the routing

gateway and the application data service provider to thereby terminate the session of

the routing gateway using the application data service provided by the application data

service provider (Fig. 2, a the process of routing information in the internet service

provider network, see "terminating the connection with the client terminal " recited in

column 10 lines 57-59); regarding claim 60, wherein the data flow characteristics of the

application data service include a bandwidth characterization for .the application data

service (Fig. 8, billing model within the multiple information service provider network,

see "the quality of service component of content gateway 18 includes exact amount of

bandwidth to be allocated for a specific class of service" recited in column 14 lines 40-

48) and a priority characterization for the application data service both received from the

application data service provider (Fig. 2, a the process of routing information in the

internet service provider network, see "content gateway 18 controls different traffic

policies of priority characterization for the data service" recited in column 4 lines 57-64),

wherein after providing the interconnection and completing the session, the memory is

configured to delete the data flow characteristics saved at the data network for the

session of the routing gateway using the application data service provided by the

application data service provider (Fig. 2, a the process of routing information in the

internet service provider network, see "removing the information of latest recently used

connection" recited in column 11 lines 50-56) and wherein after providing the

interconnection and completing the session, the first and second transceivers are

configured to terminate the interconnection between the routing gateway and the

application data service provider to thereby terminate the session of the routing gateway

using the application data service provided by the application data service provider

(Fig. 2, a process of routing information in the internet service provider network, see

"terminating the connection with the client terminal" recited in column 10 lines 57-59).

It would have been obvious to one of the ordinary skill in the art at the time of

invention to modify the system of Dravida et al. with Mobley et al., Roberts and

Kamentani by using the features, as taught by, Menditto et al. in order to provide the

data flow characteristics of the data service include a bandwidth characterization for the

data service, a priority characterization for the data service, wherein forwarding the data

flow characteristic to the routing gateway includes forwarding the bandwidth

characterization and the priority characterization to the routing gateway at the customer

premises remote from the data network, deleting the data flow characteristics saved at

the data network for the session of the routing gateway using the data service provided

by the data service provider and terminating the interconnection between the routing

gateway and the data service provider to thereby terminate the session of the routing

gateway using the data service provided by the data service provider, before deleting

the data flow characteristics, receiving a request from the data service provider to delete the data flow characteristics for the session of the routing gateway using the data service, wherein the data flow characteristics are deleted responsive to receiving the request, the data flow characteristics of the data service include a bandwidth characterization for the data service and a priority characterization for the data service and wherein forwarding the data flow characteristic to the routing gateway includes forwarding the bandwidth characterization and the priority characterization to the routing gateway at the customer premises remote from the data network. The motivation of using these functions is to enhance the system in a cost effective manner.

Dravida et al., Mobley et al., Roberts, Kamentani and Menditto et al. do not disclose the following features: regarding claim 3, wherein forwarding the data flow characteristic to the routing gateway includes forwarding the bandwidth characterization and the priority characterization to the routing gateway at the customer premises remote from the data network; regarding claim 48, wherein forwarding the data flow characteristic to the routing gateway includes forwarding the bandwidth characterization and the priority characterization to the routing gateway at the customer premises remote from the data network; regarding claim 58, wherein the data flow characteristics of the application data service include a bandwidth characterization for the application data service and a priority characterization for the application data service both received from the application data service provider, the method further comprising.

Motley disclose a communication system that is adapted to extend voice channel capacity with the following features: regarding claim 3, wherein forwarding the data flow

characteristic to the routing gateway includes forwarding the bandwidth characterization

and the priority characterization to the routing gateway at the customer premises remote

from the data network (Fig. 9, illustrating the packeting information for a frame relay

message block during voice data transmission, see "priorities and bandwidth

parameters are transmitted" recited in paragraph 0058 lines 1-6); regarding claim 48,

wherein forwarding the data flow characteristic to the routing gateway includes

forwarding the bandwidth characterization and the priority characterization to the

routing gateway at the customer premises remote from the data network (Fig. 9,

illustrating the packeting information for a frame relay message block during voice data

transmission, see "priorities and bandwidth parameters are transmitted" recited in

paragraph 0058 lines 1-6); regarding claim 58, wherein the data flow characteristics of

the application data service include a bandwidth characterization for the application data

service and a priority characterization for the application data service both received from

the application data service provider, the method further comprising (Fig. 9, illustrating

the packeting information for a frame relay message block during voice data

transmission, see "priorities and bandwidth parameters are transmitted" recited in

paragraph 0058 lines 1-6).

        It would have been obvious to one of the ordinary skill in the art at the time of

invention to modify the system of Dravida et al. with Mobley et al., Roberts, Kamentani

and Menditto et al. by using the features, as taught by, Motley, in order to provide

forwarding the data flow characteristic to the routing gateway includes forwarding the

bandwidth characterization and the priority characterization to the routing gateway at

the customer premises remote from the data network. The motivation of using these

functions is to enhance the system in a cost effective manner.

9.   Claims 4 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Dravida et al. (US 2002/0105965 A1) in view of Mobley et al. (US 5,708,963), Roberts

(US 6,574,195 B2) and Kamentani (US 2002/0003803 A1) as applied to claims 1, 23

and 45 above, and further in view of Nassar (US 2004/0004968 A1).

        Dravida et al., Mobley et al., Roberts and Kamentani disclose the claimed

limitations as described in paragraph 5 above. Dravida et al., Mobley et al., Roberts and

Kamentani do not disclose the following features: regarding claim 4, wherein receiving

further includes receiving an authorization code for the data service, the method further

comprising and before saving the data flow characteristics, validating the authorization

code and regarding claim 26, wherein the first transceiver is further configured to

receive an authorization code for the data service, and wherein the memory is further

configured to validate the authorization code before saving the data flow characteristics.

        Nassar discloses a communication system for dynamic simultaneous connection

to multiple service providers with the following features: regarding claim 4, wherein

receiving further includes receiving an authorization code for the data service, the

method further comprising (Fig. 1, network architecture illustrating the interconnection

between two or more service providers and a subscriber during a packet session, see

"the security server 155 to authenticate and authorize the subscriber 100" recited in

paragraph 0030 lines 11-17) and before saving the data flow characteristics, validating the authorization code (Fig. 1, network architecture illustrating the interconnection between two or more service providers and a subscriber during a packet session, see "security server 155 sends a message identifying the subscriber 100" recited in paragraph 0030 lines 17-20) and regarding claim 26, wherein the first transceiver is further configured to receive an authorization code for the data service (Fig. 1, network architecture illustrating the interconnection between two or more service providers and a subscriber during a packet session, see "the security server 155 to authenticate and authorize the subscriber 100" recited in paragraph 0030 lines 11-17) and wherein the memory is further configured to validate the authorization code before saving the data flow characteristics (Fig. 1, network architecture illustrating the interconnection between two or more service providers and a subscriber during a packet session, see "security server 155 sends a message identifying the subscriber 100" recited in paragraph 0030 lines 17-20).

It would have been obvious to one of the ordinary skill in the art at the time of invention to modify the system of Dravida et al. with Mobley et al., Roberts and Kamentani by using the features, as taught by, Nassar in order to provide , wherein receiving further includes receiving an authorization code for the data service, the method further comprising and before saving the data flow characteristics, validating the authorization code and the first transceiver is further configured to receive an authorization code for the data service, and wherein the memory is further configured to

validate the authorization code before saving the data flow characteristics. The

motivation of using these functions is to enhance the system in a cost effective manner.

10.   Claims 59 and 61 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Dravida et al. (US 2002/0105965 A1) in view of Mobley et al. (US 5,708,963),

Roberts (US 6,574,195 B2), Kamentani (US 2002/0003803 A1), Menditto et al. (USP

6,981,029 B1) and Motley (US 2002/0136224 A1) as applied to claims 1, 23, 45, 58 and

60 above, and further in view of Chen et al. (US 2004/0085969 A1).

         Dravida et al. Mobley et al., Roberts, Kamentani, Menditto et al. and Motley et al.

do not disclose the following features: regarding claim 59, wherein the application data

service comprises gaming, video on demand, and/or access to a virtual private network

and regarding claim 61, wherein the application data service comprises gaming, video

on demand, and/or access to a virtual private network.

         Chen et al. disclose a communication system for dynamically establishing

broadband quality of service connection on demand with the following features:

regarding claim 59, wherein the application data service comprises gaming, video on

demand, and/or access to a virtual private network (Fig. 1, a block diagram showing

network architecture for proxy signaling, see "includes video on demand and gaming

services" recited in paragraph 0078 lines 1-12) and regarding claim 61, wherein the

application data service comprises gaming, video on demand, and/or access to a virtual

private network (Fig. 1, a block diagram showing network architecture for proxy

signaling, see "includes video on demand and gaming services" recited in paragraph 0078 lines 1-12).

It would have been obvious to one of the ordinary skill in the art at the time of invention to modify the system of Dravida et al. with Mobley et al., Roberts, Kamentani, Menditto et al. and Motley et al. by using the features as taught by Chen et al., in order to provide the application data service comprises gaming, video on demand, and/or access to a virtual private network. The motivation of using these functions is to enhance the system in a cost effective manner.

Response to Arguments

11.   Applicant's arguments with respect to claims 1-18, 23-40, 45-46, 48, 50-52, 54 and 58-61 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SYED BOKHARI whose telephone number is (571)270-3115. The examiner can normally be reached on Monday through Friday 8:00-17:00 Hrs..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kwang B. Yao can be reached on (571) 272-3182. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Syed Bokhari/
Examiner, Art Unit 2416
3/16/2009

/Kwang B. Yao/

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